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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Pedro Amaya, et al., ) No. 02-0624-PHX-ROS  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 )  
13 City of Tempe, et al., )  
14 Defendant. )  
15 \_\_\_\_\_ )  
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17 On June 30, 2005 a jury verdict was rendered against Defendants (Doc. #135). On  
18 July 7, 2005 the Clerk of Court entered judgment accordingly and dismissed the action.  
19 (Doc. #137). Plaintiff filed several post-trial motions. Before the Court could rule on the  
20 post-trial motions, the parties notified the Court that they reached a settlement. (Doc. #181).

21 The parties seek dismissal pursuant to Fed. R. Civ. P. 41(a)(2). Therefore, the Court  
22 will vacate the judgment (Doc. #137), re-instate the action, and dismiss it with prejudice,  
23 with each side to bear its own costs. In addition, the Court will grant the parties' request to  
24 retain jurisdiction to enforce the terms of the settlement agreement pursuant to Kokkonen v.  
25 Guardian Life Ins. Co. of Am., 511 U.S. 374 (1994) (the court may, in its discretion, make  
26 retention of jurisdiction over the settlement agreement part of its order).  
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1 Accordingly,

2 IT IS ORDERED that the July 7, 2005 Judgment (Doc. #137) is vacated. The Clerk  
3 of Court shall reinstate the case.


4 IT IS FURTHER ORDERED that pursuant to stipulation, the case shall be dismissed  
5 with prejudice, each side to bear its own costs.

6 IT IS FURTHER ORDERED that this Court shall retain jurisdiction over the  
7 enforcement of the terms of the settlement agreement.

8 IT IS FURTHER ORDERED that all pending motions shall be denied without  
9 prejudice.

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11 DATED this 19<sup>th</sup> day of September, 2006.

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Roslyn O. Silver  
United States District Judge